

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/GB2004/000472

International filing date (day/month/year)
06.02.2004

Priority date (day/month/year)
07.02.2003

International Patent Classification (IPC) or both national classification and IPC
A61M35/00, B05B15/12

Applicant
BEAUTY SOURCE LTD

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Innecken, A

Telephone No. +49 89 2399-8911



WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
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JC20 Rec'd PCT/PTO 08 AUG 2005

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. II Priority

1. The following document has not been furnished:

- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims No: Claims	1-14,21,23,27-35,37-42
Inventive step (IS)	Yes: Claims No: Claims	24-26
Industrial applicability (IA)	Yes: Claims No: Claims	1-46

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Novelty, inventive step, and industrial applicability (Item V)

Claim 1

1. From **EP1238642 (D1)** (see paragraphs 0029 to 0084 and the figures) there is known a booth 10 for accommodating a person, the booth 10 defining a booth volume and comprising:
a base portion 40 and a top portion 30; flow means for causing air to move in a downward airflow within the booth 10, the downward airflow defining a predetermined volume within the booth 10; recirculating means 88 for recirculating the air within the booth 10; filtering means 90 for filtering the air within the booth 10; and projecting means 51 for projecting a product into at least some of the booth volume and onto a body of a person positioned in the booth 10.
2. Thus, it appears that the subject-matter of claim 1 is not new as required by Article 33(2) PCT.

Independent claim 36

3. Document (D1) (loc. cit.) further discloses a control system 500 for a booth 10 having projecting means 51 for projecting a product onto the booth volume within the booth 10, the control system 500 comprising operating means 60-64 to operate the projecting means 51 in selected regions of the booth volume.
4. Thus, it appears that the subject-matter of independent claim 36 is not new as required by Article 33(2) PCT.

Independent claim 41

5. Document (D1) (loc. cit.) further discloses a method for applying a product to a human body comprising the steps of:
causing air to flow in a downward direction onto the human body; recirculating the air flowing onto the human body; filtering the air to remove wet and dry particulate material; projecting a product onto the human body.

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6. Thus, it appears that the method of independent claim 41 is not new as required by Article 33(2) PCT.

Dependent claims 2-14, 21-35, 37-40, and 42

7. Dependent claims 2-14, 21-35, 37-40, and 42 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

Certain defects in the international application

8. Independent claims 1, 36, and 41 are not drafted in the two part form specified in Rule 6.3b) of the PCT.
9. Reference numerals are missing after the technical features of the claims (see Rule 6.2b) and PCT Preliminary Examination Guidelines, Chapter III, 4.11).
10. The description does not cite a document reflecting the closest background art (see Rule 5.1a) ii) PCT).

Certain observations on the international application

11. The wording of claims 3, 4, and 7 tries to define the booth by a method step carried out by the temperature means or the plenum, respectively.
12. The wording of claims 21 and 22 tries to define the booth by properties of the product sprayed.
13. Independent claim 43 does not contain any technical features as it relates to a computer program per se.
14. Independent claims 44, 45, and 46 do not meet the requirements of Article 6 PCT

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as they rely on a reference to the description and drawings (see PCT Preliminary Examination Guidelines, Chapter III, 4.10).

15. Thus claims 3, 4, 7, 21, 22, and 43 to 46 of the present Application do not comply with the requirements of Article 6 PCT in that they are not clear.